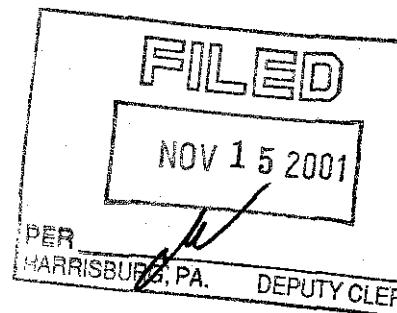


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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA



JASON ERIC BENSON,
Plaintiff

v.

THOMAS DURAN; BRUCE CLUCK;
DEBRA HANKEY; JOHN JENNINGS;
WILLIAM ORTH; RAE HIENTZELMAN;
RONALD LONG and WILLIAM ELLIEN;
BRITON SHELTON; ADAMS COUNTY
PRISON

Defendants

CIVIL ACTION

NO. 1:00-CV-01229

JUDGE CALDWELL

AFFIDAVIT OF JOHN JENNINGS

1. My name is John Jennings and I am a former Lieutenant at the Adams County Prison.

2. On August 27, 1999, at approximately 11:10 a.m., I was conducting strip searches of inmates that had returned from court with the Adams County Sheriff. Strip searches are routine, but mandatory procedures that all inmates must undergo any time they re-enter the prison from the outside. While I was completing the strip searches of several other inmates, I heard Benson say from the intake area "Aw, fuck you, mother fuckers."

3. When I finished the strip searches of other inmates, I went into the intake area and asked Benson what the problem was. Benson became irate about a misconduct that he had received earlier in the day. He was yelling. I asked him to stop yelling at which point he

told me to go fuck myself. At that point, I told him he needed to move into the next room and comply with the strip search in accordance with prison policy and procedures.

4. Inmate Benson then told me that he would not comply with the strip search procedure and continued to use profanity in such a way that made it clear that he was simply not going to complete a voluntary strip search.

5. Because Mr. Benson was not going to voluntarily comply with a mandatory prison rule, I believed it was necessary to consult with the Warden and both Deputy Wardens. We all proceeded to the medical room where Benson was again asked on a number of occasions to strip, but he refused.

6. The next thing to occur was Deputy Warden Cluck giving Benson an order to strip, but Benson continued to refuse. On the orders of the Warden, I sprayed Benson with OC pepper foam at which point Benson jumped up from the chair, launched into a profane tirade and then began slamming his head on a desk top computer screen. In order to stop him from hurting himself, Benson was taken to the floor where he continued to struggle and scream at those present.

7. When Benson calmed down and agreed to stop resisting, he was carried to the shower to wash off the foam. He then began to yell profanities at staff members and also spit on Corrections Officer Shelton. At that point, he was again taken to the floor to prevent further spitting activity.

8. After a spit guard was applied, Benson was escorted to E Block where he was finally strip searched.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

10-29, 2001.



John Jennings

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